

Monthly Progress Report #5

For the project entitled:

Disparity/Availability Study

Reporting Period: September 1 –30, 2007

Submitted by:

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Submitted to:

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Research Programs
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October 4, 2007

Task 1: Conduct Legal Analysis

This task is completed. An update will be provided prior to submittal of the Final Report to include any new legal opinions issued, if necessary.

Task 2: Review Policies, Procedures and Programs

Charlotte Robinson has prepared a first draft of Section 3.0 – Review of MDT Programs, Policies and Procedures. The draft is included in this report for MDT to review and comment.

Action Item for next month:

- Comments from MDT on Section 3.0 – Review of MDT Programs, Policies and Procedures received by November 1, 2007.

Task 3: Conduct Data Collection

Our team completed the on-site data collection on September 19th. Since that time we have been entering missing data variables and bid tabulations. We are also cleaning and formatting the contract data to present to MDT for review and approval.

Action Items for next month:

- Continue entering and cleaning data.
- We will provide a list of contract files that have been reviewed and that need to be collected.

Task 4: Conduct Market Area Analysis

This task is scheduled to begin in late November 2007.

Task 5: Calculate Private Sector Availability

The telephone survey and database construction activities occupied the statistical team for most of the time period. The survey document was updated to take into account the regional market and recently completed industry surveys. The additions included a battery of questions related to willingness to do work with MDT and the various elements of capability. The initial firm phone contact database was created and includes over 1900 firms. This database will be

supplemented by other MDT resources over the next two weeks. Once the relevant market area is determined, the database will be finalized and the survey will begin.

Task 6: Conduct Availability Analysis

Based on our review of data collected last month, a revised survey is included for your review.

Task 7: Conduct Regression Analysis

This task is scheduled to begin in November 2007.

Task 8: Conduct Utilization Analysis

This task is scheduled to begin in November 2007.

Task 9: Conduct Disparity Analysis

This task is scheduled to begin in mid-December 2007.

Task 10: Personal Interview, Focus Groups and Public Hearings

Fields & Brown has begun preparations to conduct onsite interviews and public hearings during the week of November 12, 2007 and again on November 27-28, 2007. Three individuals from Fields & Brown will be onsite for the first trip. Interviews and public hearings will be conducted in all MDT districts during that week except District IV. Interviews and public hearings for District IV will be conducted on November 27-28, 2007. The public hearings have been scheduled and are as follows: Missoula - 11/13/07, Helena - 11/14/07, Billings - 11/15/07, Glendive - 11/27/07. We are currently waiting on confirmation of the Bozeman hearing which should occur on 11/13/07. In communicating with MDT, it was determined that prime contractors would not likely be receptive to focus groups so we have eliminated the focus groups from the work plan and will increase the personal interviews from the original 40 to 60 interviews. We will include personal interviews with prime contractors. The Fields & Brown team participated in a conference call on September 24, 2007 with the Title VI officers for MDT to discuss Title VI requirements for the public hearings.

Action Items for next month:

1. Fields & Brown will begin scheduling personal interviews for the November trips.
2. Fields & Brown will present a revised interview guide for approval by MDT.

Task 11: Recommend Narrowly Tailored Remedies for the DBE Policy and Programs

This task is scheduled to begin in January 2008.

Task 12: Final Report

Draft report is scheduled for review in mid-February 2008.

Final report is scheduled to be completed by April 2008.

Detailed Work Plan

A copy of our detailed work plan is attached. It provides the proposed timeline and current timeline.

Summary of Expenditures

Table 1 summarizes the expenditures on this project through September 30, 2007. Expenditures during the fifth month were \$60,403.12, leaving \$370,703.49 for the remainder of the project.

TABLE 1. Summary of Expenditures

Budget Category	Budgeted Funds	Spent This Period	Total Spent	Total Remaining
Labor	\$516,492.21	\$30,633.33	\$211,351.66	\$305,140.55
Sub Consultant	\$90,431.25	\$15,750.00	\$31,500.00	\$58,931.25
Travel	\$41,810.00	\$14,019.79	\$35,178.31	\$6,631.69
TOTALS	\$648,733.46	\$60,403.12	\$278,029.97	\$370,703.49

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Task	Task #	Activity	Proposed Date	Date Submitted
1.0 – Conduct Legal Analysis	1.1	Identify and obtain copies of relevant court cases.	6/15/07	5/2/07
	1.2	Conduct a detailed review and analysis of each set of opinions.	6/15/07	5/2/07
	1.3	Prepare a detailed list of the requirements of availability and disparity studies based upon opinions relevant to owner determinations of: <ul style="list-style-type: none"> • Race- and gender-neutral programs • Race- and gender-preference programs • Definition of business categories for disparity analysis • Definition of appropriate race and gender categories for disparity analyses • Definition and measurements of utilization • Definition and measurement of availability in the appropriate geographical study areas • Measurement of disparity due to discrimination • Methods for determining significant levels of disparity • Status of legal use of multivariate/regression, probability, and other statistical analyses • Measurement and relevance of disparity in the relevant private markets • Requirements related to documentation of anecdotal evidence; and • Requirements related to documentation of barriers in obtaining bonding and financing, disparities in business formation and earnings encountered by DBE firms • Any other related requirements or types of evidence approved by relevant cases 	6/15/07	5/2/07
	1.4	Prepare a legal report that analyzes and summarizes the legal opinions relating to approved methods required by relevant cases for availability and disparity studies.	6/15/07	Draft Submitted 5/2/07
2.0 – Review Policies, Procedures and Programs	2.1	Review and analyze MDT statutes, regulations, resolutions, ordinances, policies and procedures, and existing programs, applicable during the relevant study time period.	9/30/07	6/18/07
	2.2	Review contracting and purchasing manuals currently in use and history of development for all MDT Members.	9/30/07	6/18/07

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Task	Task #	Activity	Proposed Dates	Date Submitted
	2.3	Identify and interview key MDT managers regarding the history and development of the policies currently in use, implementation of the policies and impacts of the implementation of the policies, including the race/gender neutral and preference programs.	9/30/07	7/20/07
	2.4	Identify and interview DBE firms and non-minority firms regarding the MDT policies, barriers and implementation and impact of the policies, including the race/gender neutral and preference programs.	9/30/07	
	2.5	Provide the results to the client for review and feedback regarding existing programs.	9/30/07	
	2.6	Prepare a report that summarizes the impacts of existing policies and contracting programs.	9/30/07	
	3.1	Conduct a data assessment to determine the condition of contract and purchasing data and develop data collection methodology. Data collected will cover the time period of October 1, 1999 through September 30, 2006.	9/30/07	8/20/07
	3.2	Develop, review and receive approval for data collection methodology from Project Manager.	9/30/07	8/20/07
3.0 – Conduct Data Collection	3.3	Work with appropriate MDT personnel to transfer electronic data to Wilson Consulting and hard copy files for data extraction.	9/30/07	In Progress
	3.4	Collect data from outside sources, such as certification lists, minority and majority professional organizations, <i>Dun and Bradstreet</i> , <i>Construction Market Data</i> , and <i>F.W. Dodge, Inc.</i>	9/30/07	8/30/07
	3.5	Finalize Programming Wilson Consulting database to record and analyze the utilization data.	9/30/07	8/30/07
	3.6	Obtain 100 percent of subcontractor data, where appropriate. If data is in hard copy, scan the contracts and subcontracts to enter in database.	9/30/07	In Progress
	3.7	“Clean” data for consistency: removing duplicates; formatting; multiple office locations, etc. Remove unnecessary data to include employees, other government agencies, nonprofit organizations and other fields as appropriate.	9/30/07	
	3.8	Prepare List of Contracts for review.	9/30/07	

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Task	Task #	Activity	Proposed Dates	Date Submitted
4.0 – Conduct Market Area Analysis	4.1	From the statistics gathered from contract data, determine the location of successful vendors. Determine the geographic area from which prime contractors or vendors are hired for each type of contracting.	10/31/07	
	4.2	A market area analysis will be prepared for each major business category: heavy construction services, professional services and supplies.	10/31/07	
	4.3	Review the draft market area analyses with Project Manager.	10/31/07	
	4.4	Prepare report on the recommended market areas.	10/31/07	
5.0 – Calculate Private Sector Availability	5.1	Determine the relevant private sector market area taking into account total market activity, geography and operational capability indicators.	11/30/07	In Progress
	5.2	Collect the relevant public data from resources such as the National Survey of Small Business Finances (NSSBF), US Small Business Administration (SBA), Current Population Survey (CPS), Economic Census and Five Percent Public Use Microdata Samples (PUMS).	11/30/07	In Progress
	5.3	Determine the relevant firm type and characteristics to be included in the private sector availability analysis.	11/30/07	
	5.4	Collect required data on private organizations providing the relevant services in the defined market area. Data should be collected on: <ul style="list-style-type: none"> • First and last name • Company name • Physical and mailing addresses • Phone number • Fax number • Email address • NAICS • DBE status If available, collect data on number of employees, year founded, annual revenues and geographic areas of operation.	11/30/07	

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Task	Task #	Activity	Proposed Dates	Date Submitted
	5.5	Select survey targets for assessing the private market for availability predictors.	11/30/07	
	5.6	Refine the survey instrument to ensure that it captures the requested as well as needed data regarding the private sector.	11/30/07	
	5.7	Issue and collect the survey from relevant private firms.	11/30/07	
	5.8	Analyze the survey data to determine barriers of entry, operating conditions and other marketplace characteristics.	11/30/07	
	5.9	Model the private sector availability based on ready, willing and able. Utilize original data (survey), secondary data (federal, state, and commercial data) and other resources.	11/30/07	
	5.10	Use econometric modeling to estimate the size of the firm population based on the private sector data by category.	11/30/07	
	5.11	Ensure that secondary measures are utilized that validate the calculations.	11/30/07	
	5.12	Determine private sector availability by District (geographic area), NAICS code, business concentration, preference status (race and gender) and component scores on the availability measures.	11/30/07	
	5.13	Validate the calculated selections based on vendor data to ensure that the similar firms are determined to be available for each stratum.	11/30/07	
	5.14	Create the private sector availability database for disparity analysis.	11/30/07	
	6.1	Verify the validity of the client databases containing vendor, bidder and subcontractor data collected in previous tasks.	12/31/07	
	6.2	Determine other organizations and jurisdictions that should be approached for vendor, bidder and subcontractor data.	12/31/07	In Progress
	6.3	Collect electronic listings from other public jurisdictions and organizations. This should include other public organizations, associations or groups.	12/31/07	In Progress
	6.0 – Conduct Availability Analysis			

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Task	Task #	Activity	Proposed Dates	Date Submitted
	6.4	<p>Create a database that contains the relevant vendor, bidder and subcontractor data for the state and other organizations. Data should be organized on:</p> <ul style="list-style-type: none"> • First and last name • Company name • Physical and mailing addresses • Phone number • Fax number • Email address • SIC • NAICS • DBE status <p>If available, collect data on preference status, number of employees, year founded, annual revenues and geographic areas of operation.</p>	12/31/07	In Progress
	6.5	Create a list of organizations with missing data and what the missing elements are.	12/31/07	
	6.6	Contact by phone the organizations with missing data and collect as much as possible for entry into the vendor, bidder and subcontractor database.	12/31/07	
	6.7	Update the database with the collected information where appropriate.	12/31/07	
	6.8	Compare the overlap of the public and private databases. Eliminate any redundant entries to ensure that the database is comprehensive and accurate.	12/31/07	
	6.9	Verify the bidder and subcontractor data with the same standards for availability with the private sector firms.	12/31/07	
	6.10	Create a master database for availability analysis that indicates the source of the entry but includes all entries.	12/31/07	
	6.11	Determine availability based on public vs. private market participants, combined public and private, geographic location, size categories, preference status (race and gender) and other demarcations.	12/31/07	

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Task	Task #	Activity	Proposed Dates	Date Submitted
	6.12	Create the availability contact database.	12/31/07	
	6.13	Prepare the chapter summarizing the availability analysis.	12/31/07	
7.0 – Conduct Regression Analysis	7.1	Review data collected from the vendor survey and ensure that the data presents a sufficient and defendable sample for analysis. A comparison to the public and private availability data should be conducted.	11/30/07	
	7.2	Conduct descriptive analysis to determine the robustness of the data.	11/30/07	
	7.3	Select the econometric models necessary for determining the causal factors related to firm utilization.	11/30/07	
	7.4	Verify the analysis assumptions to ensure the identified relationships are correct.	11/30/07	
	7.5	Conduct additional analysis as needed to determine other mitigating factors impacting the results.	11/30/07	
	7.6	Summarize the findings and link possible predictors to programs, initiatives and other environmental factors related to the results.	11/30/07	
	7.7	Identify potential recommendations that would result in increasing available firms, utilization and reaching the organization's goals.	11/30/07	
8.0 – Conduct Utilization Analysis	8.1	Review utilization (vendor) database for completion and appropriateness of elements. Ensure that all of the necessary elements are present in the database.	11/30/07	
	8.2	Create initial utilization summaries by project type, location, size and other major characteristics to provide the project manager.	11/30/07	
	8.3	Gain approval from the project manager on the output of the utilization database.	11/30/07	
	8.4	Conduct basic descriptive analysis on the utilization database.	11/30/07	

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Task	Task #	Activity	Proposed Dates	Date Submitted
	8.5	Based on contract size, relevant market area, time period and preference status, estimate utilization for prime and subcontractors.	11/30/07	
	8.6	Examine utilization within the context of programs and incentives in place during the time period analyzed.	11/30/07	
	8.7	Provide the results to the client for review and feedback.	11/30/07	
9.0 – Conduct Disparity Analysis	9.1	Develop a draft set of disparity analyses (in the form of report layouts) and statistical analyses (in tabular form) to be conducted.	1/15/08	
	9.2	Review draft report layouts and tables with the Project Manager and make appropriate revisions.	1/15/08	
	9.3	Utilizing the availability data and the utilization data, calculate disparity indices for the categories shown above.	1/15/08	
	9.4	Subject disparity analyses to statistical tests to determine statistical significance.	1/15/08	
	9.5	Conduct comparative analysis of disparity when a race preference program was used and when only race neutral program was used.	1/15/08	
	9.6	Review the disparity calculations, statistical tests results with the Project Officer and make appropriate revisions.	1/15/08	
10.0 – Personal Interviews, Focus Groups and Public Hearings	10.1	D. Wilson Consulting Group will schedule and conduct not less than 40 personal interviews; 4 with DBE firms and 4 with non-DBE firms in each district. The purpose of the interviews is to gather anecdotal data concerning barriers to contracting for performance of work in the State of Montana. D. Wilson Consulting Group will utilize the DBE interview instrument developed in Task 5 to collect data during the interview. D. Wilson Consulting Group will obtain signed affidavits from all interviewees attesting to the accuracy of the information provided during the interviews.	12/31/07	
	10.2	D. Wilson Consulting Group will conduct 5 focus groups, 1 in each District. Each focus group will include prime contractors only. The purpose of the focus group is to gather anecdotal information on DBE utilization from their perspective. D. Wilson Consulting Group shall distribute the prime Contractor interview instrument developed in Task 5 to focus group attendees and shall collect completed instruments at the end of each focus group.	12/31/07	

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Task	Task #	Activity	Proposed Dates	Date Submitted
	10.3	D. Wilson Consulting Group will conduct 5 public hearings, 1 public hearing in each District. D. Wilson Consulting Group will provide a hearing officer and panel to gather anecdotal evidence concerning contracting experiences with the State of Montana including disparate treatment, contracting barriers and suggestions for improvement.	12/31/07	
	10.4	Draft Anecdotal chapter for review by Project Manager	2/15/08	
11.0 – Recommend Narrowly Tailored Remedies for the DBE Policy and Programs	11.1	Based on the results of the availability, regression, and utilization analyses, and the review of programs, identify problem areas, if any.	2/15/08	
	11.2	Identify what problem areas, if any that can be corrected with race- and gender-neutral remedies.	2/15/08	
	11.3	Identify what problem areas, if any, cannot be corrected by race- and gender-neutral remedies.	2/15/08	
	11.4	Identify narrowly tailored remedies for each problem area (or group of areas) consistent with the legal parameters.	2/15/08	
	11.5	Prepare alternative recommendations and solutions, if necessary, to modify existing race- and gender-neutral programs and policies and existing race- and gender-preference programs.	2/15/08	
	11.6	Develop methods for monitoring and data collection.	2/15/08	
	11.7	Prepare draft report on the recommendations. Review draft report with the Project Manager and make appropriate revisions.	2/15/08	
	11.8	Submit final report with recommendations.	2/15/08	
12.0 – Final Report	12.1	Compile all draft chapter reports into one for review by the Wilson Consulting Group team.	4/30/08	
	12.2	Revise report base upon team comments.	4/30/08	
	12.3	Present Draft Report to the Project Manager for review and comments.	4/30/08	
	12.4	Discuss comments with Project Manager for clarification.	4/30/08	

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Task	Task #	Activity	Proposed Dates	Date Submitted
13.0 – Deliverables	12.5	Prepare Final Report.	4/30/08	
	12.6	Conduct three presentations of the results of the Availability/Disparity Study.	4/30/08	
	13.1	Final Report – with Appendices	4/30/08	
	13.2	Executive Summary	4/30/08	
	13.3	Three Presentations	4/30/08	
	13.4	CD with available firms.	4/30/08	

Montana Proposed / Current Timeline

TASK	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
1.0 – Conduct Legal Analysis												
2.0 – Review Policies, Procedures and Programs												
3.0 – Conduct Data Collection												
4.0 – Conduct Market Area Analysis												
5.0 – Calculate Private Sector Availability												
6.0 – Conduct Availability Analysis												
7.0 – Conduct Regression Analysis												
8.0 – Conduct Utilization Analysis												
9.0 – Conduct Disparity Analysis												
10.0 – Personal Interviews, Focus Groups and Public Hearings												
11.0 – Recommend Narrowly Tailored Remedies for the DBE Policy and Programs												
12.0 – Final Report												

* For presentations of the Final Report

CHAPTER 3.0 – REVIEW OF CONTRACTING POLICIES, PROCEDURES AND PROGRAMS

This section provides a comprehensive review of the purchasing and contracting policies, procedures and programs of the Montana Department of Transportation and how they impact Disadvantaged Business Enterprises (DBEs). The purpose of this section is to describe the current effectiveness of the race- and gender-conscious and race neutral policies, procedures and programs of MDT. The report recommendations will be based on the effectiveness of these programs in addition to the data analysis and anecdotal analysis. The programs that will be described in this section include construction, procurement, DBE and other relevant programs of MDT and others. This section is organized as follows:

- 3.1 Methodology of Review
- 3.2 DBE Program
- 3.3 Unified Certification Program
- 3.4 Supportive Services
- 3.5 Annual Goal Setting
- 3.6 Construction Policies, Procedures and Commodities
- 3.7 DBE Compliance and Enforcement
- 3.8 Professional Services and Commodities
- 3.9 Other Types of Procurement

INTRODUCTION

The MDT is organized into five districts with the headquarters located in Helena. The Districts are located in Missoula, Butte, Great Falls, Glendive and Billings. The Director of MDT, Construction and Consulting Procurement, Supplies/Services Purchasing and the Civil Rights Offices are located in the headquarters office in Helena.

3.1 Methodology of Review

The following steps were taken to analyze and evaluate MDT's contracting and purchasing policies, procedures and programs:

- Reviewed MDT contracting and purchasing manuals and special provisions currently in place.
- Reviewed MDT past contracting and purchasing manuals and policies in effect September 30, 2006 and any changes in contracting and purchasing manuals since October 1, 2002.
- Discussed with the procurement and DBE managers and staff what effects the contracting, purchasing and DBE policies, special provisions and manuals have had on the DBE program.

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- Interviewed key procurement and contracting personnel to determine how the policies and procedures have been implemented in the past and how they are currently being implemented.
- Reviewed federal and state statutes, regulations, policies and procedures that impact the DBE program or other areas of contracting and purchasing.
- Summarized the MDT's contracting, purchasing and DBE programs and how they affect utilization of DBEs by MDT.

MDT implements its DBE program on federally funded projects pursuant to 49 CFR Part 26. The Wilson Group reviewed the 2000 MDT DBE Program approved by USDOT on _____? and MDT's Civil Rights Manual. We also reviewed the Statewide Standard Specifications and Special Provisions related to the DBE Program, specifically we evaluated:

- Standard specifications Section 102 and Sections 102-3 and 102-4 of the Contract Plans Special Provisions which sets forth the DBE requirements applicable to federally funded MDT projects.
- DBE Quote Request Form which must be submitted with a contractor's proposal.
- Miscellaneous Forms which related to the required contract provisions for federal-aid construction contracts, including among other things, provisions related to equal employment opportunities, nondiscrimination, training and promotion of minority and women employees, minimum wages and recordkeeping requirements.

We also reviewed all of the DBE Newsletters issued by the Civil Rights Office since August 2001.

We also reviewed Title 28, Part 21 MCA regarding prompt payment to contractors, Title 18, Chapters 2, 4 and 8 regarding construction of buildings and procurement and 2007 changes to those statutes, the Administrative Rules of Montana, Title 18, applicable to MDT; specifically, 18-3-105 which provides that MDT may debar a contractor for violation of the federal DBE provisions.

MDT Purchasing Policy. The purpose of the Purchasing Policy is to establish uniform methods and procedures for MDT personnel in the procurement of construction, professional services, materials, equipment and commodities.

We reviewed the MDT Consultant Services Procedures approved by FHWA on April 27, 1999.

We interviewed members of the Civil Rights Office of MDT and the Purchasing Department, which includes construction, architectural, engineering and other professional services and general supply purchasing and services in July 2007. Need to interview more Civil Rights personnel, review compliance on random contracts. Personal interviews, public hearings and telephone interviews of both DBE and non-DBE businesses were conducted by Fields & Brown, LLC for the Wilson Group in _____, 2007 (see Section ____). (Need to add information anecdotal evidence.)

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The following sections summarize our review of the applicable policies, procedures and practices cited above and the information gathered from the interviews with the MDT personnel and the DBE and non-DBE contractors.

3.2 DBE Program

All MDT construction contracts that include federal funding from the United States Department of Transportation (USDOT); including Federal Transit Administration (FTA), Federal Aviation Administration (FAA) and Federal Highway Administration (FHWA) are required to include DBE, equal employment opportunity (EEO) and on the job training (OJT) provisions. Its program is based upon 49 CFR Part 26 and incorporated into state law through 18-2-313, MCA and 60-3-101, MCA. Pursuant to the federal regulations, MDT has implemented the DBE program through its DBE Program, its Civil Rights Manual and its Special Provisions.

MDT is currently operating under a DBE Program approved by USDOT/FHWA on _____, 2000. MDT has recently submitted a revised DBE Program to USDOT for approval. The proposed program proposes using DBE goals of 0 on projects, pending the results of this Disparity Study.

The MDT Civil Rights Office is centralized in Helena. There are eleven positions in the Civil Rights Office; the Civil Rights Bureau Chief is the DBE Liaison Officer for the DBE Program and the DBE Program Manager is in charge of the day-to-day operation of the DBE Program. The positions include one manager, one ADA position, one DBE Officer, one Supportive Services position, one EEO Contract Compliance position, one Labor Compliance position, one Title VI position (find out from Leslie what the other five do).

The DBE Program Manager performs all certifications for the Unified Certification Program and compliance on FHWA projects when a project manager brings the issue to her attention. The DBE Program Manager has not in the past received DBE information regarding FTA or FAA projects and receives compliance information from project managers on an inconsistent basis, depending upon the project manager.

The DBE Program provides that project goals are set by a MDT goal setting committee. The DBE Program Manager is the DBE committee on all projects except goals that are set on projects that are located within the exterior boundaries of an Indian reservation, where the TERO Officer will be included in the goal setting process. Also, on projects such as CMAQ, CTEP, etc., where local agencies are responsible for administering the contracts involving those federal funds, the local agency will be included in the goal setting process.

When establishing project goals, the DBE Program Manager, prior to January 10, 2006, considered the following factors:

- The availability of certified DBE's who are ready, willing and able to perform the work identified in the contract;
- The size of the projects;
- The type of work specified for the projects that has been historically subcontracted in accordance with MDT specifications and procedures; and,

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- Whether there is an over-concentration of DBEs in specified work areas.

3.3 Montana Unified Certification Program. In accordance with 49 CFR § 26.81(b), the MDT is the agency that has assumed the responsibility as the Unified Certification Program (UCP) Lead Agency for Montana. The MDT UCP currently has 121 DBEs certified in its Unified Certification Program. As part of the certification, MDT reviews the DBE Program Unified Certification Application, the Personal Net Worth of the DBE and the Work Category List that allows the DBE applicant to indicate the types of work the DBE is applying for certification. Since the USDOT directed MDT to implement only a race neutral DBE program and to set 0 percent goals on construction contracts (unless a state had a current disparity study that showed a need to set race-specific goals) on January 10, 2006, the number of certified DBEs dropped dramatically the first six months but now they have come back up to approximately 121.

The MDT then performs an interview and then an on-site inspection of the DBE applicant. The interview may be conducted by telephone if the DBE is an out-of-state applicant. Currently, MDT has approximately 33 out-of-state certified DBEs.

The requirements for eligibility for DBE certification are set forth in 49 CFR Part 26. If a firm is awarded DBE certification, it is placed on the MDT Certified DBE Directory with the work categories for which it is certified. The certified DBE firms are listed on a DBE Directory, which is updated _____. The DBE directory is on-line and allows the certified DBE businesses to be searched by work type, NAICS Code or business name. Other information on the DBE directory includes the owner's address, telephone number, fax number, e-mail address, website, if applicable and DBE class. The DBE Directory also allows downloading in a spreadsheet format for mailing labels.

If the firm is not awarded DBE certification, the MDT notifies the firm the reasons it was denied and the rights of appeal the firm has to the USDOT pursuant to 49 CFR § 26.85. If, based on information that comes to MDT's attention, that a firm has violated MDT's DBE Program, MDT gives the firm written notice that it intends to impose sanctions. The firm is notified that it has an opportunity for an informal hearing before the Chief of the MDT's Civil Rights Bureau. An appeal of the decision of the Chief of the MDT's Civil Rights Bureau may be made in writing to the MDT Director within ten calendar days of the date of the written decision.

The certification is valid for a three-year period. The MDT makes an effort to visit each certified DBE at least once within the three year time period. After three years, the firm must complete a re-certification application. In addition, certified DBEs must submit an annual affidavit that no circumstances affecting its DBE eligibility have changed.

After a DBE has been certified, a DBE's certification may be removed pursuant to 49 CFR § 26.87, if it is determined that the DBE no longer complies with the DBE certification requirements. The MDT DBE Program Manager makes the initial decision and the DBE is notified that it has the right to appeal that decision to the USDOT pursuant to 49 CFR § 26.89. The business has the right to re-apply for DBE certification within six months from the date of MDT's decision or from the final decision of the USDOT if MDT's decision is affirmed.

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3.4 Supportive Services

The MDT Civil Rights Office provides several forms of supportive services for DBEs, including:

- A training/assistance program which provides reimbursement to DBEs up to \$600 per year.
- Numerous free workshops and conferences, including many meetings with Montana Contractor's Association (MCA) members to provide opportunities for DBEs and prime contractors to meet and market each other, on-line training, training on marketing and other areas. Numerous different programs with the MCA have been developed and have been modified based on their success or lack of success.
- A DBE room that allows DBEs to review plans and specifications for new projects.
- Publishing a DBE Newsletter since August 2001 which is sent to all certified DBEs, Montana TBIC and TERO Officers and other MDT contractors via e-mail. The DBE Newsletter includes extensive information regarding upcoming projects, the STIP, MDT library opportunities, new DBEs, new programs, upcoming conferences and workshops conducted by the MDT and other agencies, financing opportunities available for DBEs and other contracting opportunities for DBEs.
- Training of how to obtain bid lettings on-line for DBEs.
- A DBE internship program where the MDT will pay half the wages of a student intern up to a certain amount (depending upon the year).
- An annual survey requesting contractors to suggest any changes or additions they would like to see in the newsletter.

3.4 Annual Goal-Setting Process

MDT follows the two-step process set forth in 49 CFR Part 26 to set annual DBE goals. The first step used by MDT is to take the total number of firms certified as DBEs that are ready, willing and able to perform work for MDT and to reflect a level of participation that the MDT would expect in the absence of discrimination. The goal setting process is based on the following steps:

First, the primary business activity codes or Standard Industry Activity Classification Codes based on the North American Industry Classification System are selected which correspond to the services used by the MDT.

Second, the list of business activity codes will be compared to information contained in the MDT DBE Bidder's List.

Third, the business categories are divided into three categories: prime contractor, subcontractor or consultant. These categories are then divided into the type of work that is traditionally performed by that type of contractor/consultant. These categories will then be assigned an appropriate percentage based on the amount of expected work in the upcoming construction season.

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Fourth, in each category, the total number of certified DBEs will be divided by the total number of firms. Based on this step, MDT identifies the base figure of the DBE goal which is Step 1 according to 49 CFR § 26.45(c).

Once the base figure has been established, the MDT will adjust the figures in Step 1 based on the current capacity of DBEs to perform work in federally-assisted construction contracts as measured by the volume of work DBEs performed in recent years. The MDT also considers statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in the federal-aid highway program. The MDT also considers data on employment, self-employment, education, training and union apprenticeship programs to the extent that can be related to DBEs to perform in the federal-aid highway program.

Once the percentage goal has been set by the MDT, public participation must be made for consultation with minority, women, general contractor groups, other public organizations and comments received from the public.

The annual goals and number achieved since 1999 is as follows:

FISCAL YEAR	ANNUAL GOAL	AMOUNT OF GOAL ACHIEVED
2006-2007		
2005-2006		
FY 2004	7.36 percent (4.76% race neutral and 2.5% race conscious)	
FY 2004	Missoula International Airport DBE goal of 6.65%	
FY 2003	7.3 percent (5.6% race neutral and 1.76% race conscious)	
FY 2002 Goal	8.2 percent (1.2% race conscious and 7.0 race neutral)	

3.6 Construction Policies, Procedures and Programs

All MDT construction contracts that include federal funding from FHWA or FAA are required to include DBE, EEO and OJT provisions. The Special Provisions for the DBE Program for construction contracts is Section 102 of the Standard and Special Provisions.

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Contract preparation and bidding are implemented by _____. For DBE goals and OJT requirements for a construction project, the DBE Committee, which on the MDT projects is the DBE Program Manager, sets the project-specific DBE goal of willing and capable DBE firms based on the preliminary engineer's estimate for the project.

Prior to January 10, 2006, when MDT began to set 0 DBE goals on specific projects, project goals were set by the Civil Rights Office taking into account:

- The size of the project;
- The type of prime contractor that would bid on the project;
- Available DBEs for the type and area of work; and,
- Other factors that are project specific.

After review of the above factors, the project DBE goal was set as a percentage of the contract price.

The prime contractor was required to meet (or exceed) the DBE goal for the project with DBE subcontracts. The DBE subcontractors do not have to be in the same Work Category MDT used to set the goal as long as the DBEs are certified in the Work Category of the DBE's subcontract(s) shown by the prime contractor.

Under MDT's regular design-bid-build process for construction contracts, the contractor is required to execute and submit, as part of its bid, the DBE requirements as outlined in the electronic bidding system. MDT uses the DBE Schedule of Participation to determine whether the bidder has complied with the DBE goals of the project.

The DBE Liaison Officer and two other MDT personnel not from the Civil Rights Office would determine good faith efforts (GFEs) if the prime contractor did not meet the DBE goal in its proposal (prior to January 11, 2006). The MCA Executive Director was invited to attend the consideration of a contractor's GFE but was not a voting member. If a bidder failed to meet the DBE goal, it was required to submit a summary of its GFEs within two working days of the bid opening. Approximately three times within the last ____ years, MDT has determined that a bidder made a GFE to meet the DBE goal. Since ____, there have been no situations where the contractor did not meet the DBE goal.

If the MDT DBE Panel decided that the contractor did not make a GFE, the Panel issued a written decision that day and the contractor may appeal the decision to the administration reconsideration official, who is the MDT Human Resources Administrator. The contractor is allowed to meet with the MDT Human Resources Administrator, who issues a written decision within two days of such meeting. The result is not appealable to the USDOT.

[Note: See if MDT has a definite annual account of GFE determinations made and overruled out of the number of contracts.]

3.6 DBE Compliance and Enforcement

The MDT Project Managers determine whether a DBE is performing a commercially useful function, however, the DBE Program Manager also reviews CUF on some of the projects.

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The DBE Program Manager also reviews whether the DBEs have been paid within seven days of payment by MDT. The Project Manager notifies the DBE Program Manager of any of the following situations:

- Any significant reduction of DBE contract items or quantities;
- Any DBE work being completed by the prime contractor or others;
- Failure by the DBE to perform or complete any contracted item;
- Any employee sharing between the DBE and the prime or other contractor;
- Whether a DBE has been substituted by a non-DBE;
- Whether the contractor actually meets the DBE goal; or
- Any other event that would not be considered "normal industry practice" pertaining to the DBE.

Once the DBE has satisfactorily completed its work, the contractor must release any retainage to the DBE within thirty days. If the contractor does not believe that the DBE has satisfactorily completed the work, it must provide written justification to the Project Manager who must forward a copy of the written justification to the DBE Program Manager.

Whether the DBE Program Manager receives the reports and notifications described above depends upon the Project Manager. Need to audit some projects.

If the contractor is not in compliance with any of the DBE requirements and it is the contractor's first offense, the contractor may be suspended from participating on all MDT projects in the next regularly scheduled bid opening and the contractor must submit a formal statement outlining the efforts it will take to prevent re-occurrence. If it is the contractor's second offense, such actions may result in suspension from participating on all MDT projects in the next four regularly scheduled bid openings. If it is the contractor's third offense, the contractor may be suspended from participating on all MDT projects for a full year or the contractor may be debarred.

Find out how many times sanctions have been taken.

3.8 Professional Services and Commodities

MDT has been delegated the authority to procure goods, services and professional services regardless of estimated value. Consultant Design and Purchasing is centralized in Helena, however, all MDT offices are authorized to directly and individually purchase specific limited commodities. Professional services are usually design consultant engineers, and _____.

For procurements that are \$20,000 and under, the procurement is informal. Many of these procurements are sole source procurements. No Request for Proposal is issued and MDT uses pre-qualified consultants. While the professional services engineer was supposed to review the certified DBE list, it was rarely done. These types of procurements are not used very often and usually involve environmental or planning type issues.

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Most professional service contracts are more than \$20,000 and involve consultant design engineers. MDT has a staff of seventeen design engineers who work on the procurement and administer the contracts. Prior to January 11, 2006, the professional services engineer would have a goal setting meeting with the Engineering Fiscal Officer and the DBE Program Manager and they would set DBE goals based on the type of work to be performed for which there were ready, willing and able certified DBEs. The DBE goals ranged from 1% to 3%. If the consultant could not meet the DBE goal, it would send a letter explaining why they could not meet the DBE goal and the DBE Committee (the professional services engineer, the engineering fiscal officer and the DBE Program Manager) would meet and decide if the reason was acceptable. DBE compliance was tracked by the professional services engineer through invoicing and the DBE Program Manager would conduct random audits.

The consultant procedures are currently under review and are being re-written. Currently MDT sends out a Request for Qualifications and ranks the firms. The prequalification process is conducted every two years. The professional services engineers have a tendency to use the top ranked consultant engineering firms consistently. Currently there are no DBE engineering firms on the pre-qualified list.

For supplies and materials, contractors that do not fall in the professional engineering area, MDT has a staff of four purchasers. For contractors, either a Request for Proposal or an Invitation to Bid is issued. If a Request for Proposal is issued, the RFP selection committee may include individuals outside of MDT, e.g., cities, counties, FHWA. In addition, MDT has Memoranda of Understanding with all of the tribes where they may have to pay the tribes for work within their tribal boundaries or may have to use tribal members on the project.

Prior to January 11, 2006, the supplies, materials and non-engineering consultant RFPs and ITBs had DBE goals. If they did not meet the DBE goals, they were not awarded the contract. Many of these contracts were awarded to DBEs as prime contractors. There is no monitoring of these types of contracts.

MDT sent letters and posted electronically the supplies, materials and non-engineering consultant RFPs and ITBs that were \$5,000 and more. If they are less than \$5,000, no formal method of purchasing is required. For contracts more than \$5,000 and less than \$25,000, a purchaser is required to obtain three companies to solicit a bid. It is up to the purchaser whether to contact a certified DBE as one of the three companies. For purchases above \$25,000, selection is made on the basis of low bid. Whether to require bonding depends upon whether there is any risk to MDT. Many times, bonding is not required for these types of purchases.

3.9 Other Types of Procurement

Design-Build Contracts

Section 60-2-137 provides MDT with the authority to use the design-build method of contracting. It provides a two-step process: first, short-listing no more than five proposers through a request for qualifications process; and second, evaluate technical and price

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proposals through a request for proposal process. The statutory authority allows MDT to pay a stipend to the unsuccessful proposers.

The DBE provisions apply to the design-build contracts. The first two projects applied the DBE provisions in the same manner as design-bid-build projects. The third project scored the proposers on their plan to meet the DBE goal, giving them ten points of their technical proposal score.

DRAFT

TELEPHONE SURVEY STRUCTURE

Montana Disadvantaged Business Enterprise Study Availability and Disparity

Interviewer: _____ Date: _____

Start Time: _____ Ended Time: _____

Survey Completed by _____

Title: _____

Ask to speak with the company's owner or governing partner.

Good morning/afternoon, my name is _____ from (Enter Surveying Firm's Name), a research and analysis firm located in (Enter Surveying Firm's Location). (Enter Agency's Name) has contracted our firm to conduct a telephone survey of randomly sampled firms to gather comprehensive data of the Agency's purchasing practices and your firm's experience, if any, when doing business with (Enter Agency's Name).

Responses to this survey are confidential; this information will be used solely for the purpose of this report. Your firm's identify and/or information will not be distributed to any other firm or person

The survey will take approximately 15 minutes. Would you like to participate? If so, is now a good time or should we schedule an appointment?

IF YES, continue with survey. If NO, thank them for their time and hang up.

APPOINTMENT SCHEDULED:

Interviewee: _____, Title: _____

Date: _____ Time: _____

DEMOGRAPHICS

1. Which *ONE* of the following is your company's primary line of business?

- ☐ Construction (highway, building, general contractor, marine or marine-related, etc.) ¹
- ☐ Architecture/Engineering ²
- ☐ Professional Services (consulting, accounting, legal, etc.) ³
- ☐ Commodities and Supplies ⁴
- ☐ Miscellaneous and Other Services ⁵ (Specify) _____
- ☐ No Response ⁹

2. What is the firm's business structure?

- ☐ Sole Proprietorship ¹
- ☐ Partnership ²
- ☐ Corporation ³
- ☐ Limited Liability Partnership ⁴
- ☐ Limited Liability Corporation ⁵
- ☐ Joint Venture ⁶
- ☐ Non-Profit ⁷
- ☐ No Response ⁹

3. What is the "race/ethnicity" of the controlling owner/partner of the firm? (Controlling means to own at least 51% of the firm)?

- ☐ Caucasian ¹
- ☐ African American ²
- ☐ Native American ³
- ☐ Asian ⁴
- ☐ Native Hawaiian/Pacific Islander ⁵
- ☐ Hispanic American, Caucasian
- ☐ Hispanic American, African American
- ☐ Other ⁷ (Specify) _____

4. What is the gender of the controlling owner/partner of the firm? (Controlling means to own at least 51% of the firm)?

- ☐ Male ¹
- ☐ Female ²
- ☐ Alaska Native Corporation (ANC) ³
- ☐ No Response ⁹

5. How many years has the firm been in business?

- ☐ 0-10 years ¹
- ☐ 11-20 years ²
- ☐ 21-30 years ³
- ☐ 31-40 years ⁴
- ☐ 41-50 years ⁵
- ☐ 50+ years ⁶
- ☐ No Response ⁹

6. How many years of experience in the firm's line of business does the firm's owner have?

- ☐ 0-10 years ¹
- ☐ 11-20 years ²
- ☐ 21-30 years ³
- ☐ 31-40 years ⁴
- ☐ 41-50 years ⁵
- ☐ 50+ years ⁶
- ☐ No Response ⁹

7. What is the highest level of education completed by the firm's owner?

- ☐ Some High School ¹
- ☐ High School graduate ²
- ☐ Some College ³
- ☐ College Graduate ⁴
- ☐ Post Graduate ⁵
- ☐ Trade or Technical Certificate ⁶
- ☐ No Response ⁹

8. What is the firm's total number of employees, excluding the owner(s)?

Full-time _____

Part-time _____

9. What was the firm's gross receipts for (enter previous year) 2005?

- ☐ \$50,000 or less ¹
- ☐ \$50,001 - \$100,000 ²
- ☐ \$100,001 - \$300,000 ³
- ☐ \$300,001 - \$500,000 ⁴
- ☐ \$500,001 - \$1,000,000 ⁵
- ☐ \$1,000,001 - \$3,000,000 ⁶
- ☐ \$3,000,001 - \$5,000,000 ⁷
- ☐ \$5,000,001 to \$10,000,000 ⁸
- ☐ over \$10,000,000 ⁹
- ☐ No Response ⁹⁹

10. Of the total gross receipts, what percentage of dollars came from doing business in the following? What was your largest contract in each sector as a prime and sub-contractor? How many contracts have you bid and won?

Sector	Percentage of Revenue	Largest Contract as Prime	Largest Contract as Sub-Contractor
Private Sector			
Public Sector			
Other			
Don't Know			

Sector	Number of Bids as Prime	Number of Wins as Prime	Number of Bids as Sub	Number of Wins as Sub
Private Sector				
Public Sector				
Other				
Don't Know				

BARRIERS

11. The following is a list of barriers that may prevent some firms from bidding or obtaining work on (Enter Agency's Name)'s projects. Has your firm experienced any of these when attempting to contract with (Enter Agency's Name)?

A	Limited information received on available opportunities? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
B	Limited time for preparing bid, quote or response to RFP? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
C	Limited knowledge of Agency's procurement/purchasing policies and procedures? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
D	Pre-qualification requirements? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
E	Bid specifications or RFP requirements too rigid? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹

F	Bond requirements? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
G	Insurance requirements? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
H	Lack of requested experience? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
I	Lack of requested personnel? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
J	Lack of necessary equipment or technology? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
K	Lack of project management expertise and personnel? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
L	Lack of interest in doing public work among owners and shareholders? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
M	Lack of resources to compete in both the public and private markets simultaneously. <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
N	Lack relationships with larger firms that you could partner with? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
O	Scope of services or quantity of goods too expensive and/or too large? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
P	Financing? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹

Q	Agency procurement managers tend to maintain a preferred list of vendors to the exclusion of your firm? <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
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12. The following is a list of business practices that may occur when serving as a subcontractor on (Enter Agency's Name) projects. Please indicate whether your firm has ever encountered any of the following with a prime contractor during the period of (Enter Project's Study Period).

A	Asked "front" for a non-minority owned firm <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
B	Forced to lower initial bid/quote on a project <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
C	Submitted bid/quote but was never contacted by prime <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
D	Named as subcontractor, but dropped after prime contract was awarded <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
E	Perform different task than specified in the contract <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
F	Performance standards were held higher than other subs <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
G	Payment for work completed was substantially delayed <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
H	Untimely release of retainage <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
I	Payment for work completed was less than contracted amount <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹
J	Payment for work completed was never received <input type="checkbox"/> Yes ¹ <input type="checkbox"/> No ² <input type="checkbox"/> No Response ⁹

- K** Design-Build format puts project out of reach for my company
- ☐ Yes ¹
- ☐ No ²
- ☐ No Response ⁹

13. There is an overall informal network of prime and subcontractors that has purposely excluded your firm from (Enter Agency's Name) projects.

- ☐ Strongly Agree ¹
- ☐ Agree ²
- ☐ Strongly Disagree ³
- ☐ Disagree ⁴
- ☐ Neither Agree nor Disagree ⁵
- ☐ No Response ⁹

14. Qualifications and performance double standards make it difficult for minority-owned firms to win projects.

- ☐ Strongly Agree ¹
- ☐ Agree ²
- ☐ Strongly Disagree ³
- ☐ Disagree ⁴
- ☐ Neither Agree nor Disagree ⁵
- ☐ No Response ⁹

DISCRIMINATION

15. During the period of (Enter Project's Study Period), has the firm experienced discrimination due to the owner of the firm: (Check all that apply)?

- ☐ Ethnicity/Race ¹
- ☐ Gender ²
- ☐ Age of firm ³
- ☐ No Response ⁹

IF YES, PROCEED TO the following chart
IF NO or IF NO RESPONSE, SKIP closing statement

Instances Occurred	Occurrence Type	Discrimination		
		Owner's Ethnicity/Race	Owner's Gender	Age of Firm
<input type="checkbox"/> Before Award ¹	<input type="checkbox"/> Actions ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹
<input type="checkbox"/> After Award ²	<input type="checkbox"/> Written ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²
<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> Verbal ³	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹
	<input type="checkbox"/> No Response ⁹			

<input type="checkbox"/> Before Award ¹	<input type="checkbox"/> Actions ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹
<input type="checkbox"/> After Award ²	<input type="checkbox"/> Written ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²
<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> Verbal ³	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹
<input type="checkbox"/> Before Award ¹	<input type="checkbox"/> Actions ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹
<input type="checkbox"/> After Award ²	<input type="checkbox"/> Written ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²
<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> Verbal ³	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹
<input type="checkbox"/> Before Award ¹	<input type="checkbox"/> Actions ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹
<input type="checkbox"/> After Award ²	<input type="checkbox"/> Written ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²
<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> Verbal ³	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹
<input type="checkbox"/> Before Award ¹	<input type="checkbox"/> Actions ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹
<input type="checkbox"/> After Award ²	<input type="checkbox"/> Written ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²
<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> Verbal ³	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹
<input type="checkbox"/> Before Award ¹	<input type="checkbox"/> Actions ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹	<input type="checkbox"/> Yes ¹
<input type="checkbox"/> After Award ²	<input type="checkbox"/> Written ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²	<input type="checkbox"/> No ²
<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> Verbal ³	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹	<input type="checkbox"/> No Response ⁹

AVAILABILITY CONCLUSION

16. Do you feel that your firm is qualified to do work for the State of Montana Department of Transportation?

- ☐ Yes ¹
☐ No ²
☐ No Response ⁹

17. Are you interested in doing work for the State of Montana Department of Transportation?

- ☐ Yes ¹
☐ No ²
☐ No Response ⁹

18. Do you have the resources to do work for the State of Montana Department of Transportation?

- ☐ Yes ¹
☐ No ²
☐ No Response ⁹

19. What is the furthest away in miles your firm has performed work?

_____ miles

Closing Statement

On behalf of the (Enter Agency's Name), we thank you for your participation in completing this survey. Have a nice (DAY/EVENING).